

# Exhibit C

## (Contested Deposition Designations)

<b>Party Offering</b>	<b>Transcript Cite</b>	<b>KPM's Objection(s)/Response to Defendants' Objection(s)</b>	<b>Defendants' Objection(s)/ Response to KPM's Objection(s)</b>
<b>Doug Evans</b>			
Defendants	28:13-30:22	Objection to 28:22-29:1 as lacks foundation/personal knowledge; Objection to 29:2-10 as hearsay; Objection to 29:17-20 as lacks foundation/personal knowledge; Objection to 30:15-22 as lacks foundation/personal knowledge	Agree to withdraw 28:22-29:1. 29:2-10 contains a statement by a party opponent, and therefore is not hearsay. Agree to withdraw 29:17-20. Agree to withdraw 30:15-22.
Defendants as counter-designation	32:1-25	Objection to 32:21-25 as irrelevant, nonresponsive, and not rule of completeness.	
Defendants as counter-designation	42:1-43:24	The end of the designation cuts off after a question with no answer included. What is the intended cutoff?	
Defendants as counter-designation	48:8-49:3	Objection as nonresponsive and irrelevant after 48:17; 49:3 cuts off mid-question. What is the intended cutoff?	
Defendants	63:5-64:7	Objection to 63:11-64:7 as lacks foundation/personal knowledge	Agree to withdraw 63:11-22. Mr. Evans was a co-founder of Unity and therefore has personal knowledge about Unity's customers' databases.

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Defendants as counter-designation	81:11-87:18	Objection to 83:9-20 as hearsay; 83:20-84:13 as hearsay and speculative; 84:14-85:1 as speculative, and FRE 403 (with respect to references to the lawsuit); 86:16-87:7 as hearsay.	
KPM	44:1-45:1	Relevant for showing origin of Blue Sun.	Fed. R. Evid. 402 – irrelevant
KPM	51:4-53:3	Relevant because willful blindness about contractual obligations is relevant to tortious interference. <i>See</i> ECF No. 165 (MSJ Order) 5 where Judge Sorokin cited this as a basis for denying summary judgment to ITG.	Fed. R. Evid. 402 – irrelevant
KPM	55:12-59:8	Relevant to issue of Blue Sun recruiting KPM employees.	Fed. R. Evid. 402 – irrelevant
KPM	59:19-62:8	Relevant to foundation of Blue Sun and what information the former KPM employees had.	Fed. R. Evid. 402 – irrelevant
KPM	105:10-106:14	Relevant to issue of Blue Sun recruiting KPM employees and what information the former KPM employees had.	Fed. R. Evid. 402 – irrelevant

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<b>William Brown</b>			
Defendants as counter-designation	34:2-35:2	Fed. R. Evid. 402 - irrelevant	
Defendants as counter-designation	36:13-37:20	Fed. R. Evid. 402 - irrelevant	
KPM	52:15-53:9	Relevant to show KPM protecting trade secrets.	Fed. R. Evid. 402 – irrelevant
KPM	53:19-54:16	This was a counter-designation by Defendants and not offered by KPM. 54:12-16 is nonresponsive.	Fed. R. Evid. 402 – irrelevant
<b>Luigi Faustini</b>			
Defendants as counter-designation	21:8-22:10	Objection to 21:8-14 as speculative and lacks foundation.	
KPM	30:22-31:7	Relevant to establish characteristics of M5 units and any similarities to KPM units.	Fed. R. Evid. 402 – irrelevant

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Defendants as counter-designation	31:1-33:15	Objection to 31:8-32:4 as not rule of completeness; 33:8-15 is not rule of completeness and designation cuts off halfway through a question.	
KPM	32:5-7	Relevant to establish characteristics of M5 units and any similarities to KPM units.	Fed. R. Evid. 402 – irrelevant
KPM	33:23-25	Relevant to establish characteristics of M5 units and any similarities to KPM units.	Fed. R. Evid. 402 – irrelevant
KPM	34:6-21	Relevant to establish characteristics of M5 units and any similarities to KPM units.	Fed. R. Evid. 402 – irrelevant
KPM	58:20-59:4	Relevant to veil piercing.	Fed. R. Evid. 402 – irrelevant
<b>Michelle Gajewski</b>			
KPM	86:9-87:16	Not offered for truth of the matter asserted. Offered to show relationship existed, <i>U.S. v. Siddiqui</i> , 235 F.3d 1318, 1322-23 (11th Cir. 2000).	Fed. R. Evid. 802 – hearsay

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KPM	88:17-24	It does not fall within the definition of hearsay. 88:17-19 are context for 88:20-24 which are about conduct, not communications. Also offered to show defendant's (Rob Gajewski) intent, motive, state of mind. <i>U.S. v. Safavian</i> , 435 F. Supp. 2d 36, 45 (D.D.C. 2006); <i>MGM Studios, Inc. v. Grokster, Ltd.</i> , 454 F. Supp. 2d 966, 974 (C.D. Cal. 2006).	Fed. R. Evid. 802 – hearsay
<b>Eric Weinstein</b>			
Defendants	95:13-96:6	Objection, speculation at 95:25-96:6 and statements by counsel is not testimony (401, 402, 403)	The testimony is not speculation. There is no indication that Mr. Weinstein lacks personal knowledge. It is true that counsel's statement is not testimony, but counsel is permitted to orient the witness with a prefatory statement.